



UPPER CHARLES TRAIL Milford Section

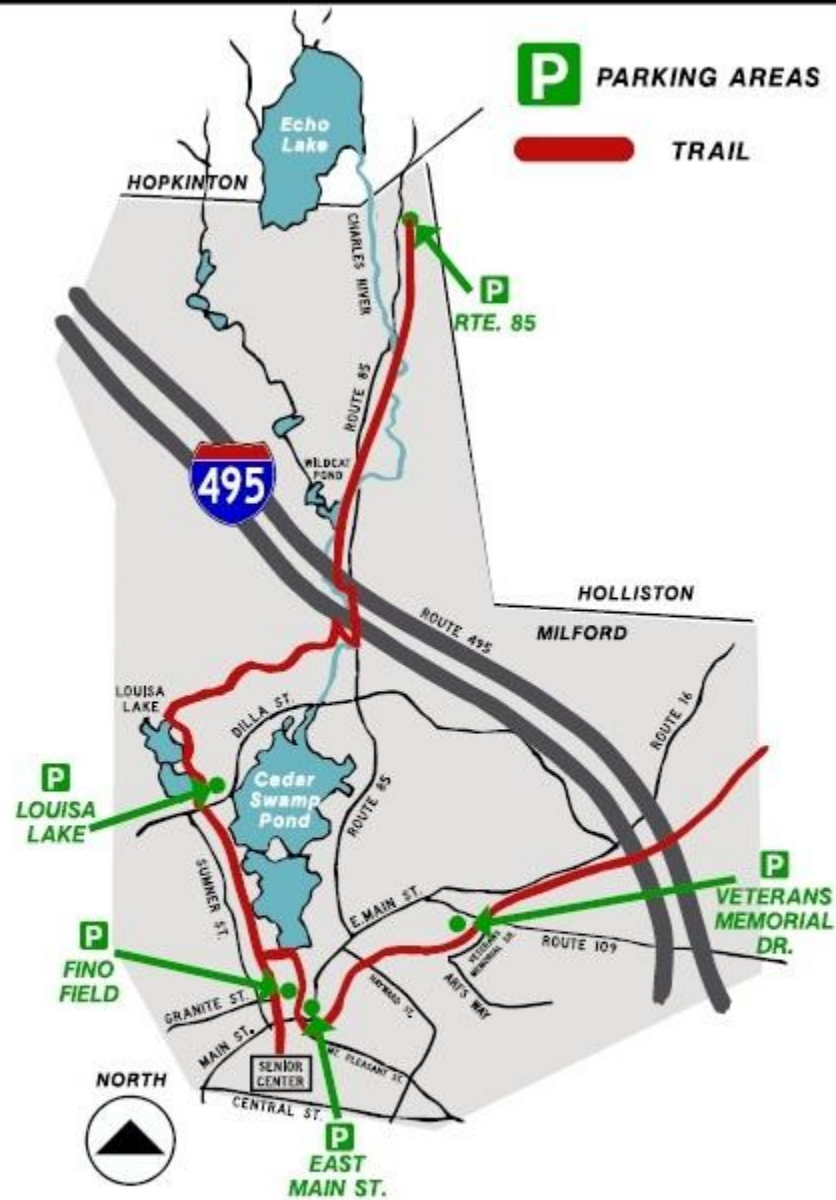
Obtaining Rail Trail Corridors

November 2014

Division of Conservation Resources

Massachusetts Trail Conference

**Reno DeLuzio
renodeluzio@comcast.net**



MILFORD UPPER CHARLES TRAIL



www.milfordtrail.org



Acquiring the Trail Corridor

MORE THAN ACQUIRING PROPERTY RIGHTS WITHIN THE TRAIL ALIGNMENT BOUNDARIES

- **OTHER CONSIDERATIONS**
 - **DRAINAGE EASEMENTS**
 - **PARKING AREAS**
 - **ABUTTER CONCERNS**
 - ✓ **MAY REQUIRE RE-ALIGNMENT**

Pre-requests to Property Rights Negotiations

DEFINE THE CORRIDOR

- **ASSESSORS MAP AND LOTS**
- **PROPERTY OWNERS**
- **AERIALS**
- **TOPOGRAPHY**
- **ENVIRONMENTAL ISSUES**
- **DRAINAGE ISSUES**
- **ASSOCIATED EASEMENTS, LICENSES, LEASES, LIENS,
OTHER ENCUMBRANCES**
- **PRELIMINARY ROW PLAN RECOMMENDED**

Informal Discussion With Individual Property Owners

- **STRESS TRAIL AS IMPORTANT COMMUNITY PROJECT**
- **WOULD THEY LIKE TO BECOME PARTNER**
- **DESCRIBE THEIR SEGMENT**
- **MINIMIZE IMPACT ON DEVELOPMENT RIGHTS & PRIVACY**
 - **PERMANENT EASEMENT**
 - **TRY TO STAY WITHIN SIDE OR REAR YARD SETBACKS**
 - **OFFER VEGETATIVE SCREENING/STOCKADE FENCING**

Informal Discussion With Individual Property Owners

- **REQUEST PROPERTY RIGHT BE DONATED**
 - **OFFER TO PAY FOR ENGINEERING AND LEGAL FEES**
- **IF PURCHASE**
 - **PERFORM APPRAISAL**
 - **PRESENT AN OFFER**

Property Rights Acquisition

(6.5 Mile Corridor)

CORRIDOR OWNERSHIP AT PROJECT START

- TOWN OF MILFORD ----- 30% (2 MILES)
- COMMONWEALTH (I-495 ROW)-- 7% (0.5 MILE)
- PRIVATE OWNERS (8) ----- 63% (4 MILES)
 - MILFORD WATER CO. ----- 1.8 MILES (NO COST)
 - NATIONAL GRID ----- 1.0 MILE (NO COST)
 - CSX ----- 0.4 MILE (PAID DAMAGES)
 - 5 OTHERS ----- 0.8 MILE (PAID DAMAGES)

Milford's Acquisition Options

ACQUISITION INSTRUMENT	DONATION	PURCHASE	EMINENT DOMAIN
FEE INTEREST	X	X	X
PERMANENT EASEMENT	X	X	X
PRC SPECIAL PERMIT	N/A	N/A	N/A
LEASE	X	ANNUAL FEE	N/A
LICENSE	X	ANNUAL FEE	N/A

PRC – Planned Residential Community (Zoning)

Fee Interest – Ownership

Property Rights Acquisition

(6.5 Mile Corridor, 26 Property Owners)

Type	Total	Comment
Fee Interest	2	Friendly Eminent Domain
	1	Hostile Eminent Domain
	2	Donations of Land
Permanent Easement	1	Hostile Eminent Domain
	10	Voluntary
Temporary Construction Easement	3	Voluntary
Lease (NGRID)	1	FHWA/MDOT Approved
Right of Entry	9	Voluntary
Approval Letter (Duke Energy Easement over NGRID ROW)	1	Voluntary
I-495 ROW Approval	2	MassDOT ROW Bureau
Total	32	

TIP & DCR FUNDED PROJECTS

- **TIP Enhancement Program**

(Irrespective of Using TIP Funds for Property Rights)

- **FHA Mass. Div. Policy**
- **MassHighway ROW Bureau Guidelines & Procedures**

CONSULT WITH ROW BUREAU EARLY

- **DCR Grant For Land Acquisition**

- **EEA Policy & Procedures**
- **Specific Town Meeting Authorization Language**

CONSULT WITH DCR EARLY

Property Rights Acquisition Costs

(Includes All Related Expenses)

TOWN ----- \$178K (60%)

DCS URBAN SELF HELP ----- \$117K (40%)

TOTAL \$295K

Pre-Town Meeting Strategy

- **KNOW WHERE PROPERTY OWNERS STAND**
- **DON'T DISCOVER ABUTTER'S OBJECTIONS/CONCERNS AT TOWN MEETING**
- **HOLD ABUTTER MEETINGS**
 - **SMALL GROUPS BY SEGMENT**
 - **LISTEN AND ADDRESS CONCERNS**
 - ✓ **PRIVACY, DRAINAGE, TRESPASS, ENCROACHMENT MITIGATION, CRIME, ETC.**

Town Meeting Strategy – Two Steps

- **STEP 1 – APPROPRIATION FOR DESIGN, PERMITTING, LAND ACQUISITION**
 - **TESTS TOWN MEETING COMMITMENT TO THE PROJECT**
- **STEP 2 – LAND ACQUISITION AUTHORIZATION**
- “....VOTE TO AUTHORIZE THE BOARD OF SELECTMEN TO ACQUIRE BY PURCHASE, **TAKE BY EMINENT DOMAIN**, OR OTHERWISE ACQUIRE THE RIGHTS IN LAND OR EASEMENTS NECESSARY FOR”
 - **TESTS TM POSITION ON EMINENT DOMAIN TAKING**

Milford's Funding Strategy

(1998)

- **TWO PHASE PROGRAM TO SPREAD COSTS OVER TIME**
- **GOAL – TOWN WOULD NOT PAY MORE THAN 10%**
- **TIP FUNDING FOR CONSTRUCTION**
- **TIP TOTAL PROJECT SHARE RATIOS**
 - **FEDERAL ---- 80%**
 - **STATE ----- 10%**
 - **TOWN AND OTHER NON-FEDERAL --- 10% (MINIMUM)**
- **TOWN APPROPRIATION FOR DESIGN, PERMITTING, AND PROPERTY RIGHTS**
- **DCS - URBAN SELF HELP FOR PROPERTY RIGHTS ACQUISITION**

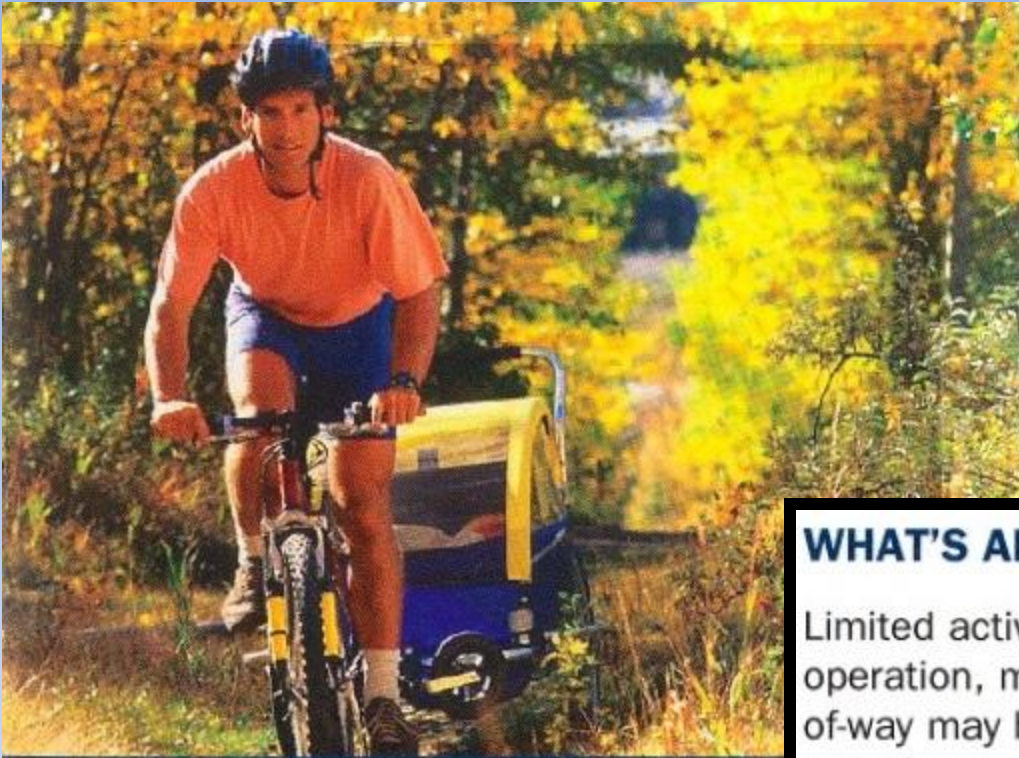
HOW DID IT TURN OUT

(Nov. 2014)

Actuals + Commitments

- TOTAL PROJECT COST ----- \$6.5M (NOTE 1)
- FEDERAL AND STATE (TIP) ----- \$5.8M
- TOWN APPROPRIATIONS ----- \$580K (9%)
- DCS GRANT ----- \$117K (2%)
- TOWN AND NON-FEDERAL TOTAL ----- \$697K (11%)

NOTE 1: DOES NOT INCLUDE 1 MILE CONSTRUCTED BY EASTLAND PARTNERS AT NO COST TO THE TOWN (ENG. EST. \$917K)



NATIONAL GRID PROPERTY RIGHTS ACQUISITION

Recreational Trails Policy

Information for Towns and Organizations
About Recreational Trails in the
Utility Corridors of National Grid.

WHAT'S ALLOWED

Limited activities that do not interfere with the safe operation, maintenance and future use of the right-of-way may be permissible. To the extent that a proposed recreational trail can coexist on the right-of-way, we will consider it.

Typically walking, jogging, bicycling and similar uses may be acceptable. **No motorized vehicles will be allowed**, except for wheelchairs or other devices which allow handicapped people access to the recreational trail.

For safety reasons or to minimize the risk of damage that could cause power outages, we sometimes must decline requests for recreational trails.

NATIONAL GRID PROPERTY RIGHTS ACQUISITION

MAJOR ISSUES

- **NATIONAL GRID IS A BRITISH HELD COMPANY**
 - **US DIVISION**
 - ✓ **NO AUTHORITY TO GRANT PERMANENT EASEMENT**
 - ✓ **CAN AUTHORIZE LICENSE**
 - ✓ **EASEMENT HIGHLY UNLIKELY**
- **TRAIL FUNDING – FEDERAL/STATE VIA THE TIP**
 - ✓ **FHA MINIMUM REQUIREMENT -- LEASE**
- **No Precedence**

NATIONAL GRID PROPERTY RIGHTS ACQUISITION

NGRID POSITION

- **Would Not Agree to Lease**
- **First Responsibility- Supply Reliable and Affordable Electric Power**
- **Limited by Federal Energy Regulatory Commission Regulations**
- **Town Must Carry \$5M Liability Insurance**
- **Approve Trail Design Plans and Specifications**

NATIONAL GRID

PROPERTY RIGHTS ACQUISITION

SIGNIFICANT EVENTS

- 2004 – 2006

- NGRID Drafts License

- FHA Mass. Div. Rejects License

- 2007 - Stake Holders Conduct Series of Meetings

Town

NGRID

FHA Mass. Div.

State Rep.

State Senator

EOT Mass Highway ROW Bureau

EOT Deputy Secretary for Transportation Planning

EOT Secretary of Transportation

- NGRID CONCEDES LICENSE AND SUBMITS DRAFT LEASE

NATIONAL GRID PROPERTY RIGHTS ACQUISITION

SIGNIFICANT EVENTS

- **2008**
 - **EOT AND FHA REJECT DRAFT LEASE**
 - **LEASE MARKUPS CIRCULATING AMONGST THE 4 PARTIES**
- **MPO NOTICE - 6 MONTHS OR TOWN LOSES TIP FUNDS (\$3M)**
- **TOWN INITIATES EMINENT DOMAIN PROCEEDINGS**
- **OCT. - NOV. 2008**
 - **TOWN/NGRID SIGN 99-YEAR NO COST LEASE**
 - **NOTICE OF LEASE RECORDED**